

## ESTATE RECOVERY FACT SHEET

### Why am I getting this notice?

You are getting this notice because a law called "estate recovery" may affect you.

### What is the estate recovery law?

This law requires the state to recover certain Medicaid funded services or state funded services from *your estate* **after your death.** DSHS may file a lien or make a claim against any property included in your estate.

### What is an estate?

An estate includes any savings you have and other things you own or have a legal interest in at the time of your death, such as a house and land. It does not include property solely owned by your parents, spouse, or child.

### Which of my services are included in estate recovery?

**Estate recovery applies to Medicaid services you receive at age 55 or older.**

These include hospital costs, prescriptions, nursing home care, Medicaid Personal Care, and DDD waiver services such as residential, day program, and other support services.

**Effective June 1, 2004, estate recovery also applies to all state-funded long-term home and community services received at any age.**

### What if I have a wife or husband or child?

The state cannot begin recovery during the life of a surviving spouse, or while your child is under age 21, blind or disabled.

### Does the state ever make exceptions to this law?

The state may agree not to recover its costs from your estate if it would cause hardship for the person who would inherit the house, money, or property.

### Are there appeal rights to estate recovery?

Yes. DSHS will give notice and an opportunity for a hearing.

### What can I do to avoid estate recovery?

Estate planning may reduce the effect of estate recovery laws. Any actions to avoid estate recovery should be taken only after talking with an attorney. Otherwise, you may do something that will make you ineligible to receive Medicaid benefits.

### How can I find out more information?

Enclosed is information from Columbia Legal Services. If you have more questions, you may want to call the Coordinated Legal Education, Advice and Referral Line (CLEAR) toll free at 1-888-201-1014 or consult with an attorney who understands both estate planning and medical assistance rules.

**Statutory Authority**  
**RCW 43.20b and 388-527 WAC**